

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MUHAMAD ALY RIFAI, M.D.,

Plaintiff,

v.

CMS MEDICAL CARE CORPORATION,  
GNADEN HUETTEN MEMORIAL HOSPITAL,  
and ANDREW E. HARRIS,

Defendants.

CIVIL ACTION  
NO. 15-1395

**ORDER**

**AND NOW**, this 24<sup>th</sup> day of February, 2016, upon consideration of Defendants' Motion to Dismiss Plaintiff's Amended Complaint (Docket No. 10) and Memorandum of Law in support, as well as Plaintiff's response thereto and Defendants' Reply, it is hereby **ORDERED** as follows:

1. Defendants' Motion is **GRANTED** in part and **DENIED** in part;
2. Defendants' Motion is **GRANTED** as to Plaintiff's PHRA claims and Title VII and ADA claim against Defendant Harris only, and Counts II, IV and VI are dismissed from the Amended Complaint, as are all Title VII and ADA claims against Defendant Harris<sup>1</sup>;
3. Defendants' Motion is **GRANTED** as to Plaintiff's invasion of

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<sup>1</sup> The parties agreed to the dismissal of the PHRA claims and Title VII and ADA claims against Defendant Harris at oral argument in this matter. Further, Defendants withdrew their motion as to the timeliness of the Title VII claims contained in Counts I and III of the Amended Complaint as to CMS and Gnadon Huetten Memorial Hospital.

privacy, violation of right of publicity law, Fair Labor Standards Act, and Pennsylvania Minimum Wage Act claims, and Counts IX, X, XI, and XII are dismissed from the Amended Complaint; and

4. Defendants' Motion is **DENIED** as to Plaintiff's Americans with Disabilities Act and breach of contract claims.

**BY THE COURT:**

/s/ Jeffrey L. Schmehl  
**Jeffrey L. Schmehl, J.**